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PATENT APPLICATION

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IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Michael David Dobbs

Confirmation No.: 1706

Application No.: 10/676,488

Examiner: SARPONG, Akwasi

Filing Date: September 30, 2003

Group Art Unit: 2625

Title: Method and an Apparatus for Adjusting a Scanning Target Area of an Image Reproduction Device

Mail Stop Appeal Brief-Patents
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF APPEAL BRIEF

Transmitted herewith is the Appeal Brief in this application with respect to the Notice of Appeal filed on January 13, 2009.

☒ The fee for filing this Appeal Brief is \$540.00 (37 CFR 41.20).

☐ No Additional Fee Required.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

☐ (a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d)) for the total number of months checked below:

☐ 1st Month
\$130

☐ 2nd Month
\$490

☐ 3rd Month
\$1110

☐ 4th Month
\$1730

☐ The extension fee has already been filed in this application.

☒ (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Please charge to Deposit Account 08-2025 the sum of \$ 540. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees.

Respectfully submitted,

Michael David Dobbs

By /Steven L. Nichols/

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In the Patent Application of

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APPEAL BRIEF

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Sir:

This is an Appeal Brief under Rule 41.37 appealing the decision of the Primary Examiner dated November 13, 2008 (the "final Office Action"). Each of the topics required by Rule 41.37 is presented herewith and is labeled appropriately.

I. Real Party in Interest

The real party in interest is Hewlett-Packard Development Company, LP, a limited partnership established under the laws of the State of Texas and having a principal place of business at 20555 S.H. 249 Houston, TX 77070, U.S.A. (hereinafter "HPDC"). HPDC is a Texas limited partnership and is a wholly-owned affiliate of Hewlett-Packard Company, a Delaware Corporation, headquartered in Palo Alto, CA. The general or managing partner of HPDC is HPQ Holdings, LLC.

II. Related Appeals and Interferences

There are no appeals or interferences related to the present application of which the Appellant is aware.

III. Status of Claims

Claims 1-25 are pending in the application and stand finally rejected. Accordingly, Appellant appeals from the final rejection of claims 1-25, which claims are presented in the Appendix.

IV. Status of Amendments

A single after-final amendment is filed concurrently with this brief to make the language of claim 1 more consistent with both the original specification and the other claims.

At this writing, it has not been determined whether this amendment will be entered.

Appellant will supplement this brief as necessary when a decision is reached regarding entry of the single after-final amendment.

V. Summary of Claimed Subject Matter

1. An image reproduction apparatus comprising:

a transparent scanning bed (110) (*Appellant's specification, paragraph 0027*);

a scanning device (170, 180) optically coupled to said scanning bed (110) (*Appellant's specification, paragraph 0018*), said scanning device comprising a photoconductive platen (180) (*Appellant's specification, paragraph 0018*) configured to receive light reflected off of an object on said scanning bed (*Appellant's specification, paragraph 0021*); and

an adjustable shade (125, 135, 145, 155) associated with said scanning bed (110) (*Appellant's specification, paragraph 0024*);

wherein said adjustable shade (125) is configured to be selectively extended from a position adjacent said scanning bed to cover a portion of said scanning bed (110) including from an edge of said scanning bed to a leading edge of said adjustable shade (125) (*Appellant's specification, Fig. 2*), an underside of said shade presented to said scanning device through said bed being colored such that substantially no light is reflected onto said photoconductive platen when scanning said underside of said shade thereby effectively reducing a size of said scanning bed (*Appellant's specification, paragraph 0021*).

11. A method of adjusting a target area of an image reproduction apparatus comprising:

selectively covering (702) an edge of a scanning bed (110) by drawing a shade (125) over said edge of said scanning bed (*Appellant's specification, Fig. 2*);

placing (703) said object (e.g., 400) on said drawn shade (125) (*Appellant's specification, Fig. 4*); and

scanning said object (704) (*Appellant's specification, Fig. 7*);

wherein an underside of said shade (125) that is presented to said scanning bed (110) is colored such that said scanning outputs no image of said underside of said shade (124) thereby effectively reducing a size of said scanning bed (*Appellant's specification, paragraph 0021*).

14. An optical scanner with an adjustable shade comprising:

a shade reel (120, 130, 140, 150) disposed at an edge of a scanning bed (110) of said optical scanner (*Appellant's specification, paragraph 0018 and Fig. 2*); and

a shade (125, 135, 145, 155) coupled to said shade reel (*Appellant's specification, paragraph 0024 and Fig. 2*);

wherein an underside of said shade (125) that is presented to said scanning bed (110) is colored such that said optical scanner does not output any image markings when scanning said underside of said shade thereby effectively reducing a scan target area of said optical scanner (*Appellant's specification, paragraph 0021*).

20. A scanning device for eliminating unwanted areas of a scanned image, said scanning device comprising:

means for scanning (170, 180) (*Appellant's specification, paragraph 0018*); and

means for selectively covering (125, 135, 145, 155) edges of a scanning bed (110) such that said means for scanning outputs (170, 180) no image markings when scanning said covered portions of said scanning bed (110) (*Appellant's specification, paragraph 0021*);

wherein said means for covering (125, 135, 145, 155) edges of said scanning bed (110) are configured to selectively and statically reduce an effective scanning area of said means for scanning (*Appellant's specification, paragraph 0028*).

VI. Grounds of Rejection to be Reviewed on Appeal

The final Office Action raised the following grounds of rejection.

- (1) Claim 20 was rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.
- (2) Claims 1-25 were rejected under 35 U.S.C. § 103(a) as obvious in light of the combined teachings of U.S. Patent App. Pub. No. 2002/0109867 to Sese et al. ("Sese") and U.S. Patent No. 6,204,937 to Takeda ("Takeda").
- (3) Claim 7-9, 14, 15 and 22 were rejected under 35 U.S.C. § 103(a) as obvious in light of the combined teachings of Sese, Takeda and U.S. Patent No. 4,721,981 to Rauen ("Rauen").

According, Appellant hereby requests review of each of these grounds of rejection in the present appeal.

VII. Argument

(1) Claim 20 complies with 35 U.S.C. § 112, first paragraph:

Claim 20 recites:

A scanning device for eliminating unwanted areas of a scanned image, said scanning device comprising:
means for scanning; and
means for selectively covering edges of a scanning bed such that said means for scanning outputs no image markings when scanning said covered portions of said scanning bed;
wherein said means for covering edges of said scanning bed are configured to selectively *and statically* reduce an effective scanning area of said means for scanning. (Emphasis added).

According to the final Office Action, “there is nowhere in the specification where it is described a means of statically covering edges of the scanning area.” (Action, p. 2).

Appellant respectfully disagrees.

As an initial matter, Appellant would like to point out that a “written description” in the specification supporting a particular claim need *not* be a verbatim recitation of the claim language. Rather, as explained in MPEP § 2163.02, written description can be provided “using such descriptive means as words, structures, figures, diagrams, and formulas.” *Lockwood v. American Airlines, Inc.*, 107 F.3d 1565, 1572, 41 USPQ2d 1961, 1966 (Fed. Cir. 1997).

In the present case, Appellant’s specification clearly explains, throughout the text and figures, that shades can be extended to a desired position and then remain there “statically” to reduce an effective scanning area. “The drawing and retracting of the shades (125, 135, 145, 155) to and from the shade reels (120, 130, 140, 150) may be accomplished via a spring loaded reel and lock system (165) or other suitable mechanism that will allow the shades (125, 135, 145, 155) to be drawn and retracted to a desired location while allowing the

shades (125, 135, 145, 155) to remain in their desired positions after they are drawn."

(Appellant's specification, paragraph 0028) (emphasis added).

Consequently, Appellant respectfully submits that there is more than ample written description in the originally-filed specification for the claimed means of statically covering edges of the scanning area. Therefore, the rejection of claim 20 under §112 should be reconsidered and withdrawn.

(2) Claims 1-25 are patentable over Sesek and Takeda:

Claim 1:

Claim 1 now recites:

An image reproduction apparatus comprising:
a transparent scanning bed;
a scanning device optically coupled to said scanning bed, *said scanning device comprising a photoconductive platen configured to receive light reflected off of an object on said scanning bed*; and
an adjustable shade associated with said scanning bed;
wherein said adjustable shade is configured to be selectively extended from a position adjacent said scanning bed to cover a portion of said scanning bed including from an edge of said scanning bed to a leading edge of said adjustable shade, *an underside of said shade presented to said scanning device through said bed being colored such that substantially no light is reflected onto said photoconductive platen when scanning said underside of said shade thereby effectively reducing a size of said scanning bed.*

(Emphasis added.)

One embodiment of the subject matter of Claim 1 is illustrated in Fig. 2 of Appellant's specification which is reproduced below.

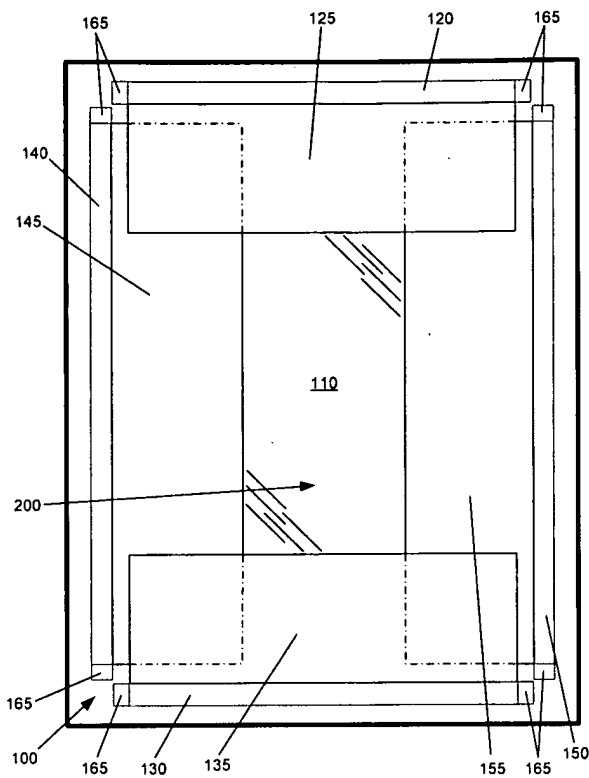


Fig. 2

In contrast, Seseek teaches the following. “An apparatus and system for scanning a bounded scan area within a scanable [sic] surface of a scanning device are provided. The present invention includes a plurality of members constructed and arranged to define a scan area on a scanable [sic] surface of the scanner, a link for communicating with the control interface of the scanner, and a switch for generating a signal to the control interface to initiate and complete a scan of the bounded scan area defined by the plurality of members.” (Seseek, abstract).

Accordingly, Seseek does not appear to teach the claimed adjustable shade that is selectively extended to cover a portion of scanning bed *from the edge of the bed to a leading edge of the shade*. Rather, Seseek teaches a scanner with “a plurality of members constructed

and arranged to define a scan area on a scanable surface of the scanner, a link for communicating with the control interface of the scanner, and a switch for generating a signal to the control interface to initiate and complete a scan of the bounded scan area defined by the plurality of members.” (Sesek, abstract). Accordingly, Sesek teaches pointers (Fig. 3) or bars (Fig. 1) that are only used to define an area to be scanned, not to cover or shade a portion of the scanning bed *from the bed's edge to a leading edge of the shade*, as claimed.

To further illustrate this point, Figs. 1 and 3 of Sesek are reproduced below. As can be clearly seen from these figures, the bars (Fig. 1) or the pointers (Fig. 3) are used merely to indicate electronically a portion (14') of the scanning bed (11) that is to be scanned. The bars and pointers of Sesek are not capable of masking or obscuring portions of the scanning bed where no image is to be captured.

Specifically, neither the pointers nor bars of Sesek can be reasonably construed as an adjustable shade “wherein said adjustable shade is configured to be selectively extended from a position adjacent said scanning bed to cover a portion of said scanning bed including from an edge of said scanning bed to a leading edge of said adjustable shade.” (Emphasis added).

As can be clearly seen in either Fig. 1 or Fig. 3, after the pointers or bars are deployed, there are portions of the scanning bed between the edges of the bed and the bars (15) for example, that are *not covered*. This is clearly contrary to the highlighted recitations of claim 1.

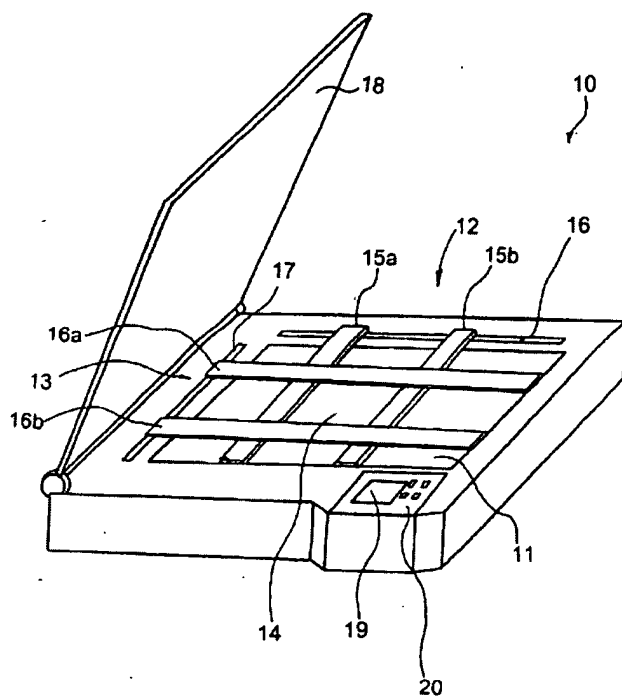


FIG. 1

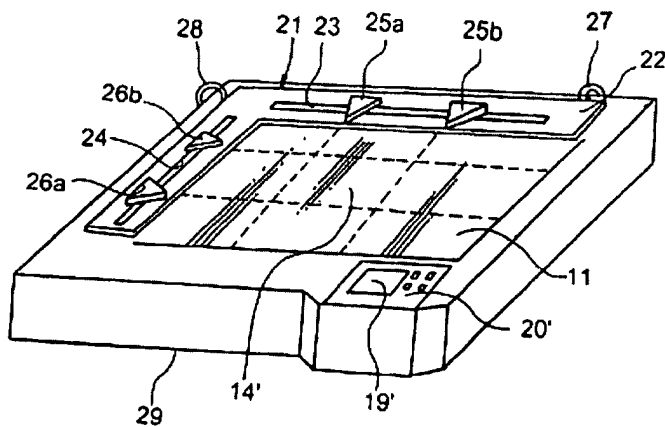


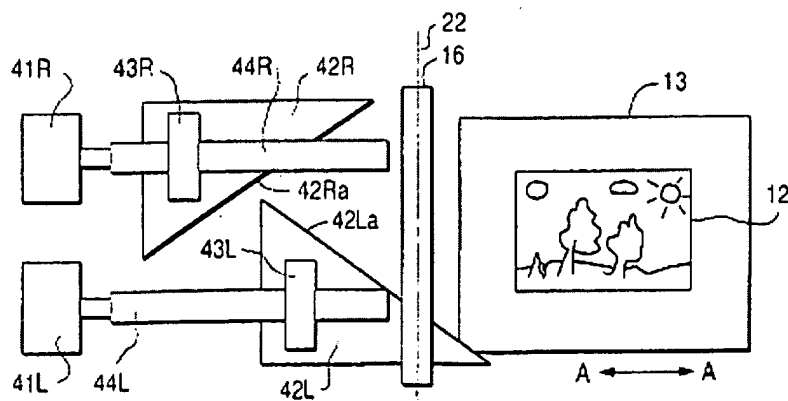
FIG. 3

Additionally, Sesek does not appear to teach or suggest that when the adjustable shade is extended to cover a portion of the scanning bed, that an underside of the shade presented to said scanning device through said bed is colored such that no image is formed on the

photoconductive platen when scanning the underside of the shade thereby effectively reducing a size of the scanning bed. Rather, Sesek teaches an “apparatus, system and method [that] scans only a user defined enclosed scan area, instead of the scanning device scanning the entire scanable surface without additional user manipulation.” (Sesek, paragraph 0037) (emphasis added).

Takeda teaches the following. “[T]he image reading device has light shielding plates 42L and 42R which are positioned to one side of original cassette 13. Nuts 43R and 43L are attached to light shielding plates 42R and 42L, respectively, Nuts 43R and 43L are threaded onto screws 44R and 44L, respectively.” (Takeda, col. 5, lines 54-67). Takeda further teaches the “light shielding plates 42L and 42R are formed such that their inner sides 42La and 42Ra are angled with respect to the sub-scan direction” such that “the position at which the light from light source 16 is shaded changes as the plates are moved in relationship to pixel scanning line 22.” (Takeda, col. 6, lines 15-19). For reference, Fig. 8 of Takeda is reproduced below.

FIG. 8



As can be seen in the above reproduction of Fig. 8, Takeda teaches the use of light shielding plates 42R, 42L that are selectively advanced and retracted along axis A-A as a cassette 13 transports an original 12 along axis A-A past a stationary scanning light source 16 that transmits light through the original 12 on the cassette 13 to detecting elements positioned beneath the cassette 13. (Takeda, Fig. 2, col. 6, lines 6-22).

Thus, Takeda does not teach or suggest a scanning bed. Rather, Takeda teaches the moving cassette (13) that moves a document to be scanned between a light source and detecting elements. Consequently, just like Sesek, Takeda does not teach or suggest the image reproduction apparatus of claim 1 comprising an adjustable shade “wherein said adjustable shade is configured to be selectively extended from a position adjacent said scanning bed to cover a portion of said scanning bed including from an edge of said scanning bed to a leading edge of said adjustable shade.” (Emphasis added).

Takeda further does not teach or suggest having a scanning device that comprises “a photoconductive platen configured to receive light reflected off an object on said scanning bed.” (claim 1). In contrast, Takeda teaches that scanning light is transmitted *through* the original 12 to detection elements below the cassette 13. Accordingly, Takeda does not teach or suggest that light shielding plates 42R, 42L “cover a portion of said scanning bed including from an edge of said scanning bed to a leading edge of said adjustable shade” such that no image is formed on the photoconductive platen when scanning the underside of the shade. (Claim 1).

Under the analysis required by *Graham v. John Deere*, 383 U.S. 1 (1966) to support a rejection under § 103, the scope and content of the prior art must first be determined, followed by an assessment of the differences between the prior art and the claim at issue in view of the ordinary skill in the art. In the present case, the scope and content of the prior art,

as evidenced by Seseek and Takeda, did not include the claimed subject matter, particularly an adjustable shade that is “configured to be selectively extended from a position adjacent said scanning bed to cover a portion of said scanning bed including from an edge of said scanning bed to a leading edge of said adjustable shade.” The scope and content of the prior art also does not teach or suggest an underside of the shade presented to said scanning device through said bed being colored such that substantially no image is formed on the photoconductive platen when scanning the underside of the shade thereby effectively reducing a size of said scanning bed.” (Claim 1).

The differences between the cited prior art and the claimed subject matter are significant because the system recited by claim 1 provides a way to shield desired areas of a document from being scanned by a scanning device without requiring the transmission of light through the document from above, as taught by Takeda, or configuring a scanner device to only scan a user-defined area of the document, as taught by Seseek. Thus, the claimed subject matter provides feature and advantages not known or available in the cited prior art. Consequently, the cited prior art will not support a rejection of claim 1 under 35 U.S.C. § 103 and *Graham*. For at least these reasons, the rejection based on Seseek and Takeda of claim 1 and its dependent claims should not be sustained.

Claim 11:

Claim 11 recites:

A method of adjusting the target area of an image reproduction apparatus comprising:
 selectively covering an edge of a scanning bed by drawing a shade over said edge of said scanning bed;
 placing said object on said drawn shade; and
 scanning said object;

wherein an underside of said shade that is presented to said scanning bed is colored such that said scanning outputs no image of said underside of said shade thereby effectively reducing a size of said scanning bed.
(Emphasis added).

In contrast, as demonstrated above, SeseK does not teach or suggest a method of adjusting a target area of an image reproduction apparatus by “selectively covering an edge of scanning bed by drawing a shade over said edge of said scanning bed.” SeseK teaches markers for defining an area to be scanned, not for selectively covering an edge of the scanning bed in the manner claimed.

Moreover, as discussed above, SeseK does not teach or suggest “wherein an underside of said shade that is presented to said scanning bed is colored such that said scanning outputs no image of said underside of said shade thereby effectively reducing a size of said scanning bed.” The recent Office Action fails to indicate how or where SeseK specifically teaches this subject matter. As SeseK does not teach or suggest these steps, SeseK *cannot* teach or suggest the step of “placing an object on said drawn shade.” (Claim 11).

Furthermore, Takeda does not teach or suggest the step of “placing said object on said drawn shade.” (Claim 11). In contrast, Takeda teaches that an original 12 is placed in a cassette 13, and that light shielding plates 42R and 42L are independently suspended by nuts 43R, 43L and screws 44R, 44L between a light source 16 and the cassette 13. (Takeda, col. 5, line 54 to col. 6, line 24; *see also* Fig. 8). As such, Takeda *cannot* teach or suggest the step of “placing an object on said drawn shade.” (Claim 11).

Under the analysis required by *Graham v. John Deere*, 383 U.S. 1 (1966) to support a rejection under § 103, the scope and content of the prior art must first be determined, followed by an assessment of the differences between the prior art and the claim at issue in view of the ordinary skill in the art. In the present case, the scope and content of the prior art,

as evidenced by Sesek and Takeda, did not include the claimed subject matter, particularly a method of adjusting the target area of an image reproduction apparatus that comprises the steps of “selectively covering an edge of scanning bed by drawing a shade over said edge of said scanning bed” and “placing said object on said drawn shade.” (Claim 11).

The differences between the cited prior art and the claimed subject matter are significant because the system described by claim 11 provides a way to shield desired areas of a document from being scanned by a scanning device without requiring light shielding plates to be dynamically moved throughout the scanning processes, as taught by Takeda, or configuring a scanner device to only scan a user-defined area, as taught by Sesek. Thus, the claimed subject matter provides feature and advantages not known or available in the cited prior art. Consequently, the cited prior art will not support a rejection of claim 11 under 35 U.S.C. § 103 and *Graham*. For at least these reasons, the rejection based on Sesek and Takeda of claim 11 and its dependent claims should not be sustained.

Claim 14:

Claim 14 recites:

An optical scanner with an adjustable shade comprising:
a shade reel disposed at an edge of a scanning bed of said optical scanner; and
a shade coupled to said shade reel;
wherein an underside of said shade that is presented to said scanning bed is colored such that said optical scanner does not output any image markings when scanning said underside of said shade thereby effectively reducing a scan target area of said optical scanner.

(Emphasis added).

Sesek clearly fails to teach or suggest the claimed “a shade reel disposed at an edge of a scanning bed of said optical scanner.” This fact was expressly conceded in a previous

Office Action, which states that “Sesek does not disclose a shade reel.” (Action of 8/22/07, p. 8).

Furthermore, Takeda does not teach or suggest the claimed “a shade reel disposed at an edge of a scanning bed of said optical scanner.” In contrast, Takeda teaches that light shielding plates 42R and 42L are independently suspended by nuts 43R, 43L and screws 44R, 44L between a light source 16 and the cassette 13. (Takeda, col. 5, line 54 to col. 6, line 24; *see also* Fig. 8).

Under the analysis required by *Graham v. John Deere*, 383 U.S. 1 (1966) to support a rejection under § 103, the scope and content of the prior art must first be determined, followed by an assessment of the differences between the prior art and the claim at issue in view of the ordinary skill in the art. In the present case, the scope and content of the prior art, as evidenced by Sesek and Takeda, did not include the claimed subject matter, particularly an optical scanner comprising “a shade reel disposed at an edge of a scanning bed of said optical scanner” and a “a shade coupled to said shade reel” (claim 14).

The differences between the cited prior art and the claimed subject matter are significant because the “shade reel” and “shade coupled to said shade reel” recited by claim 14 “allow *a user* to draw the shades across the top of the scanning bed thereby limiting the target area of the scanning device.” (Appellant’s specification, paragraph 0024). The systems taught by Sesek and Takeda do not allow a user to interact with shade elements in this manner. Additionally, the system taught by Takeda requires the use of light shielding plates that are dynamically moved throughout the scanning processes by motors and Sesek requires the configuration of a scanner device to only scan a user-defined area. Both of these approaches require significant additional development and/or material resources that are not required by the optical scanner taught by claim 14. Thus, the claimed subject matter provides

feature and advantages not known or available in the cited prior art. Consequently, the cited prior art will not support a rejection of claim 14 under 35 U.S.C. § 103 and *Graham*. For at least these reasons, the rejection based on Seseek and Takeda of claim 14 and its dependent claims should not be sustained.

Claim 20:

Claim 20 recites:

A scanning device for eliminating unwanted areas of a scanned image, said scanning device comprising:
means for scanning; and
means for selectively covering edges of a scanning bed such that said means for scanning outputs no image markings when scanning said covered portions of said scanning bed;
wherein said means for covering edges of said scanning bed are configured to selectively *and statically* reduce an effective scanning area of said means for scanning.
(Emphasis added).

In contrast, as demonstrated above, Seseek does not appear to teach or suggest a scanning device like that claimed with “means for selectively covering edges of a scanning bed...wherein said means for covering edges of said scanning bed are configured to selectively and statically reduce an effective scanning area of said means for scanning.” Rather, Seseek teaches means for defining a smaller area within a scanning bed, where only the smaller defined area is scanned.

Moreover, as clearly seen in Fig. 1 of Seseek, reproduced above, when the bars (15) are deployed, the edges of the scanning bed are *not* covered. Rather, the edges of the scanning bed are almost entirely visible. Thus, Seseek cannot be reasonably construed as teaching the claimed “means for selectively *covering edges of a scanning bed* such that said means for scanning outputs no image markings when scanning said covered portions of said scanning

bed” and “wherein said means for covering edges of said scanning bed are configured to selectively and statically reduce an effective scanning area of said means for scanning.”

Additionally, Takeda does not teach or suggest a “means for selectively covering edges of a scanning bed...wherein said means for covering edges of said scanning bed are configured to selectively and statically reduce an effective scanning area of said means for scanning.” As clearly seen in Fig. 8 of Takeda above, Takeda teaches light shielding plates used such that “the position at which the light from light source 16 is shaded changes as the plates are moved in relationship to pixel scanning line 22.” (Takeda, col. 6, lines 17-19). Thus, Takeda teaches that the light shielding plates are dynamically moved during the scanning process and consequently *cannot* “statically reduce an effective scanning area of said means for scanning” as recited in claim 20.

Under the analysis required by *Graham v. John Deere*, 383 U.S. 1 (1966) to support a rejection under § 103, the scope and content of the prior art must first be determined, followed by an assessment of the differences between the prior art and the claim at issue in view of the ordinary skill in the art. In the present case, the scope and content of the prior art, as evidenced by Sesek and Takeda, did not include the claimed subject matter, particularly a scanning device comprising “means for selectively covering edges of a scanning bed such that said means for scanning outputs no image markings when scanning said covered portions of said scanning bed; wherein said means for covering edges of said scanning bed are configured to selectively and statically reduce an effective scanning area of said means for scanning.” (Claim 20).

The differences between the cited prior art and the claimed subject matter are significant because the system taught by Takeda requires the use of light shielding plates that are dynamically moved throughout the scanning processes by motors and Sesek requires the

configuration of a scanner device to only scan a user-defined area. Both of these approaches require significant development and/or technological resources that are not required by the scanning device taught in claim 20. Thus, the claimed subject matter provides features and advantages not known or available in the cited prior art. Consequently, the cited prior art will not support a rejection of claim 20 under 35 U.S.C. § 103 and *Graham*. For at least these reasons, the rejection based on Sesek and Takeda of claim 20 and its dependent claims should not be sustained.

(3) Claim 7-9, 14, 15 and 22 are patentable over Sesek, Takeda and Rauen:

Claim 7:

As noted above, claim 7 recites “wherein said adjustable shade further comprises a shade reel including a spring and a lock mechanism.” Neither Sesek nor Takeda teach or suggest this subject matter. Consequently, the final Office Action cites to Rauen.

Rauen teaches a “curtain shade” that “forms a feeding and handle unit 36 which is controlled in its position and movement by slide tracks 34 along one or both sides of the platen.” (Rauen, col. 9, lines 44-48). This curtain shade extends and retracts with each sheet being scanned “to hold the documents to within the depth of focus of the copier optics and prevent show-around or show-through copy defects.” (Rauen, col. 9, lines 5-15). Consequently, while referred to as a curtain shade, this element taught by Rauen is behind a document with respect to the copier optics and performs no function at all regarding shading or obscuring a portion of the document from the copier optics. Clearly, these teachings have no applicability to the subject matter of claim 7.

As established above, neither Sesek nor Takeda actually teach or suggest the idea of the claimed shades that extend from the sides of a scanning bed to obscure portions of a document to be scanned. Consequently, it is unreasonable to suggest that one of skill in the art would have looked at the document feeding mechanism taught by Rauhen, which has nothing to do with shading or obscuring portions of a document, and then arrived at the adjustable shade comprising “a shade reel including a spring and a lock mechanism” as recited in claim 7.

For at least this additional reason, the rejection of claims 7, 10, 16, 17 and 23 should not be sustained.

Claim 8:

Claim 8 recites “wherein said opaque material is coiled around said shade reel.” Claims 14-17 recite similar subject matter. As has been amply shown above, none of the cited prior art references teach or suggest a shade reel in the context of the claimed adjustable shade. Therefore, the cited prior art cannot teach or suggest the claimed opaque material coiled around a shade reel as in claim 8. Consequently, the rejection of claims 8 and 14-17 should not be sustained for at least this additional reason.

In view of the foregoing, it is submitted that the final rejection of the pending claims is improper and should not be sustained. Therefore, a reversal of the Rejection of November 13, 2008 is respectfully requested.

Respectfully submitted,

DATE: March 13, 2009

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VIII. CLAIMS APPENDIX

1. (previously amended) An image reproduction apparatus comprising:
a transparent scanning bed;
a scanning device optically coupled to said scanning bed, said scanning device comprising a photoconductive platen configured to receive light reflected off of an object on said scanning bed; and
an adjustable shade associated with said scanning bed;
wherein said adjustable shade is configured to be selectively extended from a position adjacent said scanning bed to cover a portion of said scanning bed including from an edge of said scanning bed to a leading edge of said adjustable shade, an underside of said shade presented to said scanning device through said bed being colored such that substantially no light is reflected onto said photoconductive platen when scanning said underside of said shade thereby effectively reducing a size of said scanning bed.
2. (previously amended) The image reproduction apparatus of claim 1, wherein said scanning device comprises a light source configured to illuminate said scanning bed such that said platen obtains a latent image of said object on said scanning bed.
3. (original) The image reproduction apparatus of claim 1, wherein said scanning bed is configured to receive a document.
4. (original) The image reproduction apparatus of claim 3, wherein said scanning bed comprises glass.

5. (original) The image reproduction apparatus of claim 3, wherein said scanning bed comprises plastic.

6. (original) The image reproduction apparatus of claim 1, wherein said adjustable shade comprises an opaque material.

7. (original) The image reproduction apparatus of claim 6, wherein said adjustable shade further comprises a shade reel including a spring and a lock mechanism.

8. (original) The image reproduction apparatus of claim 7, wherein said opaque material is coiled around said shade reel.

9. (original) The image reproduction apparatus of claim 1, further comprising an adjustable shade disposed on each side of said scanning bed.

10. (original) The image reproduction device of claim 9, wherein said adjustable shades are coupled to said image reproduction device and said adjustable shades are configured to be drawn to a desired length, maintain said desired length for a desired length of time, and to be retracted by a spring and lock mechanism.

11. (previously amended) A method of adjusting a target area of an image reproduction apparatus comprising:

selectively covering an edge of a scanning bed by drawing a shade over said edge of said scanning bed;

placing said object on said drawn shade; and

scanning said object;

wherein an underside of said shade that is presented to said scanning bed is colored such that said scanning outputs no image of said underside of said shade thereby effectively reducing a size of said scanning bed.

12. (original) The method of claim 11, wherein said drawing a shade comprises:

measuring a distance from said shade to a furthest point of a certain condition; and
extending said shade equal to said distance.

13. (original) The method of claim 12, wherein said shade comprises an opaque material;

wherein said opaque material is configured to prevent the scanning of an object.

14. (previously presented) An optical scanner with an adjustable shade comprising:
a shade reel disposed at an edge of a scanning bed of said optical scanner; and
a shade coupled to said shade reel;
wherein an underside of said shade that is presented to said scanning bed is colored such that said optical scanner does not output any image markings when scanning said underside of said shade thereby effectively reducing a scan target area of said optical scanner.

15. (previously presented) The adjustable shade of claim 14, wherein said shade comprises opaque material that is concentrically wrapped around said shade reel.

16. (previously presented) The adjustable shade of claim 14, wherein said shade is wound on said reel which further comprises a spring and lock mechanism.

17. (previously presented) The adjustable shade of claim 16, wherein said spring and lock mechanism is configured to permit said shade to be drawn to a desired length, maintain said desired length for a desired length of time, and to be retracted to said shade reel.

18. (original) The adjustable shade of claim 14, wherein an underside of said shade is configured to reflect an emitted light.

19. (original) The adjustable shade of claim 18, wherein said underside of said shade is white.

20. (previously amended) A scanning device for eliminating unwanted areas of a scanned image, said scanning device comprising:

means for scanning; and

means for selectively covering edges of a scanning bed such that said means for scanning outputs no image markings when scanning said covered portions of said scanning bed;

wherein said means for covering edges of said scanning bed are configured to selectively and statically reduce an effective scanning area of said means for scanning.

21. (original) The scanning device of claim 20, wherein said means for scanning comprises:

a scanning unit; and

a transparent scanning bed optically coupled to said scanning unit.

22. (previously amended) The scanning device of claim 20, wherein said means for selectively covering comprises:

a shade reel, and

an opaque material coupled to said shade reel.

23. (original) The scanning device of claim 22, wherein said shade reel comprises a spring and lock mechanism configured to allow selective retraction and restoration of said shade reel.

24. (previously presented) The method of claim 11, further comprising using said shade to prevent said scanning from imaging a spine of a bound volume.

25. (previously presented) The method of claim 11, further comprising using said shade to prevent said scanning from imaging a notation on a document.

IX. Evidence Appendix

None

X. Related Proceedings Appendix

None